

A GUIDE FOR COMPLAINTS

The Springfield Mayor's Commission on Human Rights and Community Relation hereafter referred to MCHRCR investigates complaints of discrimination in employment, housing and public accommodations.

Employment discrimination complaints must be based on the following:

- Sex, race, ancestry, religion, color, disability, age, and national origin

Housing discrimination complaints must be based on the following:

- Sex, race, ancestry, religion, color, disability, and familial status

Public Accommodations discrimination complaints must be based on the following:

- Sex, race, ancestry, religion, color, and disability

People who believe they have experienced discrimination may file a complaint with the MCHRCR.

THE COMPLAINT PROCESS

To determine if your problem is covered by the discrimination laws enforced by the MCHRCR contact our office at 840 Boonville Avenue; Springfield, MO 65801-8368. Our phone number is 417-864-1038.

If your problem is covered by the MCHRCR, you will be scheduled for an intake interview by appointment.

According to the City Ordinance, a discrimination complaint must be filed within 60 days of the date of the alleged discriminatory incident or the last occurrence in a pattern of ongoing discriminatory practice.

The MCHRCR has no jurisdiction over the federal, state, county or city government.

If a case is accepted:

- The MCHRCR will draft or prepare the complaint from all the information which you have provided for your signature.
- You will declare under penalty of perjury that the statements in the complaint are true.
- The employer or individual you are filing a complaint against is the respondent. The person filing complaint is the complainant. The complaint is a written document that states what happened (complainant was fired, laid off, unable to rent, etc.,) and why the complainant believes the action was illegal discrimination.
- A copy of the complaint is mailed to the respondent.
- It is important for you as the complainant to cooperate fully with the MCHRCR.
- Provide accurate names, addresses, telephone numbers, dates and places.
- Identify witnesses.
- Supply documents (payroll slips, rent receipts, etc.,) to substantiate charges listed in the complaint.

- Keep a record of each employer contacted when seeking employment if you lost your job due to alleged discriminatory reasons. Keep a written log of the company's name, address, position, applied for, date of application and individual contacted.
- Notify the MCHRCR in writing if you decide to withdraw the complaint, change your address and/or telephone number, and cannot be reached as previously reported.
- Notify the MCHRCR if respondent takes any retaliatory action against you because you filed a complaint with the Commission, opposed a discriminatory practice under the jurisdiction of the MCHRCR or provided information.

THE INVESTIGATION

Because of the high number of complaints filed, they are handled in the sequence that complaints are filed with the MCHRCR. Your complaint may be pending investigation for several weeks. You will be notified should the Commissioner assigned to your case need additional information. Calls asking about status of the case take up the Commissioner's time and may result in further delay. If you wish to add information to the case file, submit it in writing, if possible.

Many practices are unfair but not illegal discrimination. The MCHRCR can proceed only if the evidence demonstrates that the City discrimination laws enforced by the Commission have been violated.

Once this is established by evidence, the MCHRCR Commissioners will seek a suitable remedy. If there is insufficient evidence to prove that a violation occurred or it is determined that there is no jurisdiction, the case is dismissed.

SETTLEMENT

- A case can be settled at any point after filing of the complaint. Settlement can occur in any of the following ways.
- Respondent may contact the MCHRCR with an offer which will be conveyed to the complainant.
- Respondent may approach the complainant directly to resolve the complaint. If this happens, the complainant should contact the MCHRCR.
- As a neutral party, the MCHRCR can convey to the respondent the terms the complainant is willing to accept to resolve the complaint with a no-fault settlement agreement.

REMEMBER

Since a determination on the merits of the complaint has not been made, the role of the MCHRCR Commissioners in settlement negotiations is that of a neutral party, not an advocate for either the complainant or the respondent.

Once the settlement conditions are agreed upon, they are put in writing for signature by the complainant, the respondent and the MCHRCR. After a settlement agreement is signed by all parties involved, the case is closed.

INVESTIGATIVE PLAN

Case Name: _____

Case Number: _____

Date Assigned: _____

Primary Allegations:

Adverse Act: _____

Basis: (Protected Category): _____

Adverse Act: _____

Basis: _____

Adverse Act: _____

Basis: _____

Statement of Controversy (Complainant's allegations v. Respondent's defense):

Theory of Discrimination: (Refer to list attached) Disparate (unequal) Treatment; Intentional; Disparate Impact.

Elements of Proof:

A. Prima Facie Case:

1. Is Complainant a member of a protected category? _____

2. Adverse Act: _____

3. Nexus or connection between 1 & 2: _____

B. Respondent's Defense:

1. _____

2. _____

3. _____

C. Verification/Rebuttal:

1. _____

2. _____

3. _____

Chronology of Significant Events:

DATE	EVENT
_____	_____
_____	_____
_____	_____
_____	_____

Respondent Interview:

Person we Need to Talk To

Information Needed

_____	_____
_____	_____
_____	_____
_____	_____